

**CITY COUNCIL OF THE CITY OF SAN DIEGO  
CLOSED SESSION AGENDA  
FOR  
TUESDAY, AUGUST 04, 2020, AT 9:00 AM  
CITY ADMINISTRATION BUILDING  
COUNCIL CHAMBERS – 12<sup>TH</sup> FLOOR  
202 "C" STREET  
SAN DIEGO, CA 92101**

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**NOTE:** In accordance with the San Diego City Council Permanent Rules for Noticing and Conduct of Closed Session Meetings, adopted by Resolution No. R-310153 on December 8, 2015, a portion of the regular open meeting agenda of the City Council has been reserved for City Attorney comment, public comment, and City Council discussion of the content of this Closed Session Docket. **Public testimony for this Closed Session Agenda will be taken today during the 9:00 a.m. Council meeting.**

**Conference with Legal Counsel – Anticipated Litigation – Initiation of Litigation, pursuant to California Government Code Section 54956.9(d)(4):**

**CS-1 Number of Cases: One**

CDCA Assigned: M. Ankcorn

The City Attorney will discuss the potential to initiate litigation and seek direction.

**CS-2 Number of Cases: One**

CDCA Assigned: M. T. Phelps

The City Attorney will discuss the potential to initiate litigation and seek direction.

**Conference with Legal Counsel – Existing Litigation, pursuant to California Government Code Section 54956.9(d)(1):**

**CS-3 *Union of Medical Marijuana Patients, Inc. v. City of San Diego***

San Diego Superior Court Case No. 37-2014-00013481-CU-TT-CTL  
Risk Management Department Claim File No. 9455

CDCA Assigned: M. T. Phelps

This case arises from a challenge to the City's determination that the medical marijuana ordinance was not a project requiring California Environmental Quality Act approval. The City Attorney's Office will update the Mayor and City Council on the status of the litigation and seek direction.

**Conference with Legal Counsel – Significant Exposure to Litigation,  
pursuant to California Government Code Section 54956.9(d)(2):**

**CS-4 *Claim filed by Ohio Security Insurance Company ASO Jeanne Ross  
DBA Boxdrop San Diego***

Risk Management Department Claim File No. 21031

DCA Assigned: E. Atkins

This is a claim asserted by Ohio Security Insurance Co. ASO Jeanne Ross DBA Boxdrop San Diego for reimbursement of property damages allegedly caused by a flood due to a break in the City of San Diego's water main pipe behind 1225 West Morena Boulevard. The City Attorney's Office will update the Mayor and City Council on the status of the matter and seek direction.

**Conference with Legal Counsel – Existing Litigation, pursuant to California  
Government Code Section 54956.9(d)(1):**

**CS-5 *Gregory McNally v. Daniel Riis***

United States District Court Case No. 18cv1150 JLS (AGS)  
Risk Management Department Claim File No. 14629

DCA Assigned: C. Sweda

Plaintiff Gregory McNally asserts a civil rights violation claim against a San Diego Police Officer arising from a police encounter on July 8, 2016. He alleges the officer used unreasonable force against him and unlawfully arrested him. The City Attorney's Office will update the Mayor and City Council on the status of the litigation and seek direction.

**CS-6 *Fulton v. City of Philadelphia***

United States District Court No. 18-2075

DCA Assigned: M. von Wilpert

The City of New York is preparing an amicus brief on behalf of local governments in support of the City of Philadelphia in a case before the United States Supreme Court concerning whether the First Amendment requires Philadelphia to continue to contract with a private, faith-based foster-care agency that refuses to work with same-sex couples, in contravention of the city's non-discrimination ordinance.

The City Attorney's Office will advise the Mayor and City Council on possible participation in this litigation as amicus curiae in support of the City of Philadelphia.

**Conference with Legal Counsel – Anticipated Litigation – Initiation of Litigation, pursuant to California Government Code Section 54956.9(d)(4):**

***CS-7 Common Cause v. Donald J. Trump***

No. 20-cv-02023 (D.D.C. filed July 23, 2020)

ACA Assigned: G. Schaefer

On July 21, 2020, President Donald Trump signed a memorandum excluding “illegal aliens” from inclusion in the apportionment base, which will be used for the reapportionment of Members in the United States House of Representatives following the 2020 census. Common Cause and others filed suit in the United States District Court in the District of Columbia challenging this presidential executive action. Common Cause solicited San Diego to join in this pending lawsuit as a Plaintiff. The City Attorney’s Office brings this request to the City Council and seeks direction on whether the San Diego should become a Plaintiff in the lawsuit.